

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EPIC SYSTEMS CORPORATION, a
Wisconsin Corporation,

Plaintiff,

Case No. 14-CV-748

v.

TATA CONSULTANCY SERVICES
LIMITED, an Indian Corporation; and TATA
AMERICA INTERNATIONAL
CORPORATION (dba TCS AMERICA), a
New York Corporation,

Defendants.

DECLARATION OF DAVID P. MACLEOD

I, David P. MacLeod, declare and state as follows:

1. I am an employee of Kaiser Foundation Health Plan, Inc. ("Kaiser"). My current job title is Investigations and Compliance Manager. The facts stated herein are within my personal knowledge and, if called upon as a witness, I could and would competently testify to them.

2. I have worked at Kaiser for 18 years and I am currently part of Kaiser's National Special Investigation Unit in the National Compliance, Ethics and Integrity Office. I reside in San Diego, California. My primary responsibilities include managing senior investigators and conducting investigations relating to fraud, waste and abuse including, but not limited to, allegations of fraud, illegal conduct, conflict of interest, and unethical business activities, to name a few.

3. I understand that Tata Consultancy Services ("TCS") provides consulting services to Kaiser. As a Kaiser vendor, TCS is subject to Vendor Code of Conduct and Kaiser's various IT compliance and information security requirements.

4. In June 2014, I learned of allegations from a TCS employee, Phillipe Guionnet, who managed the Kaiser account, that other TCS employees were improperly accessing and misappropriating documents from the Epic UserWeb portal. I later learned that a TCS employee named Ramesh Gajaram had login credentials for the Epic UserWeb and was providing consulting services to Kaiser.

5. On July 18, 2014, I conducted an interview with Mr. Gajaram. The interview occurred in Portland, Oregon.

6. Mr. Gajaram initially stated that he only viewed documents on the Epic UserWeb and did not download or save any documents. He also initially denied providing his login credentials to any other person.

7. After I confronted him with the download records from his UserWeb account, Mr. Gajaram admitted that he had previously provided his login credentials to two other TCS employees: Aswin Kumar Anandhan (TCS Test Lead based in Pleasanton, CA) and Sankara Gunasekaram (TCS Lead, Offshore). Mr. Gajaram confirmed that neither Mr. Anandhan nor Mr. Gunasekaram required Epic UserWeb access to perform their job duties.

8. Mr. Gajaram also admitted that he should not have downloaded documents from Epic's UserWeb instead of only viewing them, and that he should not have omitted his employment status as a TCS consultant when he renewed his access to the UserWeb portal.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of November, 2014, at San Diego, California.


David P. MacLeod